The State Murder of John Griffiths & the Ilford Executions or CAPITAL PUNISHMENT CONDEMNED

H. BODELL SMITH

HV
8698
S67
1923
GTU
Storage

BERKELEY, CALIFORNIA

THE GIFT OF

THE AUTHOR

THE STATE MURDER OF JOHN GRIFFITHS & THE ILFORD EXECUTIONS

OR

CAPITAL PUNISHMENT CONDEMNED

An Appeal to Humanity and to the Churches

BY

H. BODELL SMITH

Property of
CBSK
Please return to
Graduate Theological
Union Library

LONDON: THE C. W. DANIEL COMPANY
Graham House, Tudor Street, E.C.4

6698
567
923

First published: April 1923

Printed in Great Britain by
NEILL & Co., LTD., EDINBURGH.

1452.65
Sm58

CONTENTS

PAGE

PART I.—WHY CAPITAL PUNISHMENT? 5

The Ilford Crime—Death Penalty a Barbaric Survival—Hurtful Effect of Old Testament Teaching—Wrong Use of the Bible—A Quaker Protest—Education a Remedy—Who is Responsible?—Faithless Pessimism—Brutalising Effect of Capital Punishment—The Murderer's Mother.

PART II.—THE STATE MURDER OF JOHN GRIFFITHS 11

If the State hangs a Man is it Murder?—Is a State Murder Justifiable?—Life's Purpose frustrated by Murder—The Double Loss: to the Killed and to the Killer—If Death be not the End, then What?—According (1) to the Orthodox, and (2) to the Rationalist—The Rational Theory of Life after Death—Dumping Criminals into the Next World—Are There any Worthless Human Beings?—Barbarism not Dead—The State *versus* Christianity—The Christian Method with Criminals—Converting the State to Christianity—What is Civilisation for?

PART III.—CONCERNING PUNISHMENT 28

Punishment is Vindictive—Correction, Remedial—Failure of Punishment—Christianity and Punishment—Sir Thomas More and Criminals—Christianity and the Murderer—Society makes the Criminal—Punishment in Past Times—Progress to Humane Treatment—Evil overcome with Good.

APPENDIX 35

Abolition of Capital Punishment advocated by Dr Temple, Bishop of Manchester; the Rev. Canon Dorrity; Lady Barlow; the Rev. Canon Peter Green; and the *Manchester Guardian*.

23049

Confusion now hath made his masterpiece.
Most sacrilegious murder hath broke ope
The Lord's anointed temple, and stole thence
The life o' the building.

—*Shakespeare.*

Punishment is mischief. All punishment in itself is evil. Upon the principle of utility, if it ought to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil.

—*Jeremy Bentham.*

THE STATE MURDER OF JOHN GRIFFITHS

PART I.—WHY CAPITAL PUNISHMENT?

THE essay following this introduction was written some years ago (March 1906) as an address to a meeting of Christian ministers. It was suggested to the writer by the execution of Thomas Griffiths which had then recently taken place.

Now that public sentiment has been stirred somewhat by the Ilford executions, manifesting evident revulsion against capital punishment, it has seemed to the author of the essay that its publication might serve a useful purpose in the education of public opinion on this question. The Ilford crime presents features which are quite outside the usual characteristics of such offences. And there has been a strong public disagreement against the judgment which resulted in the hanging of the two persons implicated. The man who committed the deed evidently did it in a momentary passion excited in the quarrel, without any deliberate or premeditated intention to kill. If that was so—and there was no proof that it was not—a verdict of manslaughter would have more justly met the case.

The woman hanged as a partner in the deed had no

part in striking the blow. She was convicted on the evidence of her letters which were open to an interpretation other than that put upon them. The assertion that she made attempts to poison her husband was withdrawn through the expert evidence of post-mortem examination which proved that there was no vestige of poison in the body. The fact that the charge of attempted poisoning was made indicated that the prosecution did not wish to rely upon the evidence of the letters alone. That may have been because it was seen that a different interpretation of the letters might be possible.

The male defendant, a youth scarcely out of his "'teens," declared emphatically from the beginning to the end that the woman was not guilty of any share in the crime. If she had really incited him to it, it is not very likely that he would have so passionately declared her innocence to the last, knowing what his own fate was going to be in consequence of her influence.

The death penalty is a survival from barbaric ideas of justice which are now largely outgrown. It is an expression of the old principle of vengeful retaliation. "Life for life"; "eye for eye and tooth for tooth"; blow for blow. It has been justified by reference to Biblical teaching in the Old Testament, regardless of the fact that this teaching was superseded by that of Jesus. Such statements of the Jewish law as: "He that smiteth a man, so that he die, shall be surely put to death"; "he that smiteth his father, or his mother, shall be surely put to death"; "he that curseth his father, or his mother, shall be surely put to death"; "thou shalt give life for life, eye for eye, tooth for tooth, burning for burning, wound for wound, stripe for stripe"; "if a man cause a blemish in his neighbour as he hath done, so shall it be done to him" (Exod. xxi.; Lev. xxiv.; Deut. xix.),—have

greatly influenced public thought and feeling owing to the false idea that every saying in the Bible is infallible and of divine authority. It is high time that it should be brought home to everybody that the Bible was never intended to be man's master or tyrant, and that man-made laws of a rude past in a lower condition of civilisation to which those quotations refer, are no fit regulations for a different order of society in which more excellent ideals of social duty assert their sway. Jesus set the example in rejecting this *Lex talionis*, judging for Himself against the human authority of bygone times. He urged all men to do likewise when He said, "Why even of yourselves judge ye not what is right?" (Luke xii. 57). It is clearly shown in the following pages how this principle of retaliation and revenge is utterly opposed to all that Jesus taught, and is therefore un-Christian.

There are increasing evidences that public opinion is developing towards the abolition of capital punishment. Sixty years ago a Royal Commission on the subject, of which John Bright was a member, recommended its abolition. At a meeting of members of the Society of Friends, reported in the *Manchester Guardian* of 15th January 1923, the following resolution was passed :—

> "It is our emphatic judgment that the time has come for the complete abolition of capital punishment. Much of the cause of violent crime is to be traced to tainted heredity and evil environment, a fact which emphasises the duty of meeting moral failure by redemptive care and not by retribution. Capital punishment rests upon the assumption that the community is sometimes justified in taking the life of the individual, and that some persons are past redemption.

> Both these assumptions we deny. We are further convinced that as a deterrent the method must be pronounced a failure."

The present writer, who is not himself a " Friend," congratulates the " Friends " upon their action. It is urgently necessary that the Christian denominations should do their duty in this matter and in their corporate capacity make some real attempt outside their ordinary meetings for worship, to educate public opinion towards the practice of Christian ideals. The example just quoted is one that is worthy to be followed.* It strikes the right note by emphasising redemptive measures. The resolution goes back to causes, and suggests that criminal tendencies are inherited, and that " evil environment " has much to answer for. That is true. But " evil environment " covers much : not only bad company, immoral parentage, but slums, overcrowding, poverty and its evil results, dire ignorance, unemployment, social neglect. John Ruskin spoke of the " manufacture of rogues " ; society is making them all the time. Society is guilty of crime against humanity by its callous indifference to human welfare where attention to it is most greatly needed. Crime is a moral disease capable of being cured. It can be prevented. The remedy lies in education and early training of the right sort. Indeed, all problems come down to that at last, for they are problems of education. The prevention of crime must include ethical culture, an understanding of economics, the securing of equality of opportunity, the practice of social justice, the application of the Golden Rule. If the Churches were only equal to their duty in urging upon society as a whole the application of Christian principle to the condition of the poor, the outcast, and the neglected, there would

* See Appendix.

soon be a considerable decline in the social manufacture of criminals.

Who is responsible? All men and women are who see the evils and who are able to point to the remedy. We are all parties to the neglect of our weaker and poorer brothers and sisters, so far as we do nothing to bring about a better state of things. It does seem that one alone can do little or nothing to mend matters, but that is false. Each one who lifts up his or her voice for justice and humanity exercises an influence to those ends; and if the many who can do much and who are doing nothing were all to lift up their voices, no power could withstand them, and full attention would then be given to the root causes of social evil and to the application of remedial measures. The present writer can do little. He is but one amongst the millions. But woe unto him if he neglect to speak. He feels his responsibility, and therefore, in all humility, he lifts his voice in these written words. The only way we can be freed from the guilt of producing criminals and rascals, is by doing all that is possible to sweep away the evils which make them what they are. Natural retribution comes upon us if we fail to do our duty to our fellows. We consent to the growth of the weeds in the garden of humanity if we neglect to cultivate its soil.

It may be said that nothing can rid the world of passion, of quarrels, of lust, of greed, out of which so many murders come. Such an assertion shows that lack of faith which means *laissez-faire*, let things alone, let them take their course, it is useless to attempt measures of prevention. Yet wonderful things have been done that were considered to be quite impossible. What has happened in physical science in so many marvellous achievements, can happen in social progress by moral training, by a healthy social atmosphere, by truer human fellowship, by discipline and educa-

tion in self-control. Many of the causes of envy and greed can be removed by economic and social justice. It is the faithless pessimism that paralyses effort, and the inspired optimism that always saves the world from its dangers and its woes.

Capital punishment brutalises society. The public sensationalism attending the infliction of the death penalty has an evil effect upon the minds of thousands. It breeds callousness towards the taking of human life. Murder committed by the State encourages murder by its members. Instead of being a deterrent, the force of its example acts quite the other way. If it be right for the State to kill a man, there are many who may easily convince themselves that it is equally right for an individual to do the same.

The young man charged with the crime of murder had a true mother. She spent all she had in his defence, hoping to save him from the extreme penalty of death. Nay, more than all she had did she spend, in seeking his deliverance from that awful fate. For she borrowed some hundreds of pounds to secure the ablest assistance, weighting herself with that heavy burden of debt that she might save her boy. Who suffered most, the prisoner or his mother? Can it be imagined what strain of grief, of fear, of terror, that poor woman had to endure? And when the dread sentence was pronounced, and all subsequent appeals against it proved to be in vain, and the execution was carried out,—imagination fails to realise her sufferings in retirement from her fruitless and heroic attempt out of love for her child that she might save him. What society needs is the same passion to save, the same mother-love for its children—its sons and daughters. When there is more of this saving love, capital punishment will be a thing of the past.

January 1923.

PART II.—THE STATE MURDER OF JOHN GRIFFITHS

JOHN GRIFFITHS was the perpetrator of the Shaw* murder. He killed his sweetheart, Catherine Garrity, aged seventeen, by strangling her. He himself was only nineteen years of age. He was condemned to death for the crime, and executed at the gallows in Strangeways prison, Manchester, on Tuesday morning, 27th February 1906. There is no room to doubt that he did the deed for which he suffered. And the law says that murder must be punished by death—in other words, by killing the murderer.

IF THE STATE HANGS A MAN IS IT MURDER?

This killing of John Griffiths opens up various questions that every event of this kind forces into consideration. All men are unanimous that it was a crime for John Griffiths to kill Catherine Garrity. But if it were a crime for him to kill a human being, can it be any other on the part of the State to do the same thing? If one man robs another it is considered a crime and rightly so; and if a company of men leagued together commit robbery on any individual member of society it is deemed to be a criminal act; and it is judged to be equally wrong whether done by a gang of cardsharpers, or a banking company, or a municipal corporation, or by the national government.

* Near Oldham.

There are certain moral problems that apply the same way to individuals and to the community. If John Brown has his property stolen from him it is equally an injustice whether the deed has been done by Peter Piper, or by Jabez Balfour & Co., or by a State Department. But a man's life is the most precious property he can have. If it be wrong for a man to rob him of that, is it less wrong when the State is the robber ? If John Griffiths was a murderer because he killed Catherine Garrity, is not the State as much a murderer in killing John Griffiths ?

Is a State Murder Justifiable ?

Requisitions and petitions were sent to the Home Secretary pleading that John Griffiths ought not to be put to death, because of his youth. But if it be right to put a murderer to death at all the youth of the criminal might be made a strong argument for the execution rather than against it. The longer his duration of life the longer his dangerous propensities might imperil others; whereas, if he were very old there would be all the shorter period to have to guard against him. On the assumption that it is right to put murderers to death it was right to hang John Griffiths; if wrong to hang him, he being a proved murderer, it is wrong for the State to hang any murderer. If there are other and wiser means of dealing with a criminal, the State is not justified in taking his life.

Life's Purpose is frustrated by Murder

Let us just see what it means. John Griffiths was permitted to come into existence for the same purpose as that for which all other men exist, viz. that he should become a full-grown man—in body and mind,

and in all his moral faculties. For this purpose the conditions, opportunities, and experiences, which this world supplies, are necessary. The kind of education and discipline which this world gives cannot be furnished by any world that is not like this. If he be suddenly hurled out of this world in his youth, as punishment for the crime he commits, the purpose for which he came into it is frustrated. Of course, Catherine Garrity was also born for the full development of all her powers of body, mind, and spirit as much as is possible here; she was suddenly cut off by him, and her life's purpose frustrated. True, but two wrongs never yet made a right, and the wrong done to Catherine cannot excuse, palliate, or justify the doing of the same wrong to John.

The Double Loss: to the Killed and to the State

The death penalty is an admission of failure, or of unwillingness to face the duty which society owes to every man, that having discovered in John Griffiths, a youth who had not yet outgrown the passions of the ape and the tiger, it should refuse to attempt the task to make something better of him. Every human being is dependent upon the community; and society made John Griffiths what he was; society is largely responsible for what he did. This does not mean that he had no responsibility, nor does it clear him from blame. He was responsible according to such light as he had, and evidently that was very little. It is the fault of society that it was so little. The community which brings individuals into existence owes it collectively to each, that opportunities for a true existence shall be secured to all, and that duty to John Griffiths did not cease when he committed the crime of murder. By hanging him this

duty is shirked. The human nature in him was as yet undeveloped; it was an unworked mine of discoverable, but undiscovered riches; in that nature, which in essence was the same as that in the hero and the saint,—the same that is shared in common by all men,—there were, lying dormant and unwakened, infinite possibilities of sagacity, nobility, and grandeur, which as yet had not been so much as touched. As far as can now be seen, these are all lost to mankind; so much undeveloped mental and moral wealth wasted, thrown away. All opportunity for him to experience the fuller realisation of his higher powers is closed to him apparently; and all possibility of mankind getting the best out of him of which he would have been capable, and of enjoying the fruits of more complete growth in mind and character,—is destroyed. This is a double loss—to himself, and to his fellows.

If Death be not the End—then What?

Another problem suggested by this event is no less interesting and momentous than those already alluded to: Suppose it to be taken for granted that the hanging of John Griffiths is not the end of him,—that the perishing of the body of flesh is not the destruction of the person whose body it was,—in short, that immortality is a fact, and that there is for all men a life beyond the grave. It then follows that John Griffiths joins other human beings who have passed on before him. And along with him he takes the dispositions, the evil mind, and at any rate some of the passions which made him so dangerous on earth.

(1) *The Orthodox View.*—According to the orthodox belief, he has gone to join others as wicked as himself. If he takes his murderous passions where his companions are no less murderous than he, perhaps even more so, adding fire to fire, it is making hell more

hellish still. His advent there will not lessen the wretchedness and sufferings of the lost, for every fresh influx of evil passion must make it worse for them. Have we any right to thus increase the agonies of that inferno for those who are suffering there? That is surely a good reason for keeping him on earth to make a true man of him, and to save him from that everlasting torment that is said to be the fate of all who die in sin, and so prevent him from adding to the woes of the lost.

(2) *The Rationalist View.*—If the matter be not regarded from the orthodox standpoint, but from that of the religious rationalist, the seriousness of the problem is not lessened. Here on earth all sorts of people are mixed together—good, bad, and indifferent. Every day the good and bad come into contact. By this wise providence the bad have more chance of becoming better throught the influence of the good. It is the greatest joy of good men and women to put forth their hands and hearts to lift up those who are worse than themselves. The hope of the wretched and sinful, that rescue may come to take them out of their wretchedness, lies in the compassion felt for them by those who are purer and nobler. This lifting up of the weaker and the fallen is a blessed thing, not only for the lifted, but for the lifters. Well, the religious rationalist believes that there must be the same mixing of the good and the bad in the life beyond the grave. He thinks that the order of divine Providence found to be wisest and best on earth is also the best for that existence which immediately follows. All who share that view quite expect that in the next life there will be no more separation than in this, and that there will be one humanity in that world as here, including every variety and degree of moral and intellectual development, acting and reacting on each other.

The Rational Theory of Life after Death

Now this view is quite as certain as is that of separation held by the "orthodox"; nay, if agreement with reason and common sense and the claims of justice and humanity count for anything, this theory of the life to come is more likely to be discovered as the truth when the time of entrance into it arrives. Life is one; the growth towards the perfection of man's moral and intellectual powers is by gradual unfolding and orderly development. Each stage of growth runs continuously into the next without any seeming distinction as to where one stage ends and the next begins. So if present experience be a reliable teacher, it does seem that there will be no real break in the continuous development of man by that event which is called "death," but which is not necessarily the death of anything except the fleshly covering or body. That the present mingling of human beings of various degrees of merit and demerit will continue in the life which immediately follows this, appears to be certain. Man's evolution collectively towards a perfect organisation of community or society requires it. We see that going on now by education and experience. Each difficulty of social intercourse, each problem of adaptation of man to man, reveals some fresh lesson that is needed on the way. It is the mingling that teaches. And it is as necessary that this evolution of man's social relations towards full and complete communion and fellowship should not be broken by death, as that a man's personal and individual development should proceed continuously on earth and without interruption. Indeed, the one depends upon the other. Individual and collective development are indispensable to each other; without the one the other is impossible.

Thus the Brotherhood of Man requires that all

men, however much they differ in mental and moral condition,—shall be in each other's keeping. No man can truly afford to be indifferent to the fate of any one of his fellows. If he ignores the condition and welfare of any other man he does it at his own serious peril and loss. And it seems that this must be true of any world and of any life where any kind of really human existence is possible. We will presume then that John Griffiths does not now find himself in a world where his fellows are no better than he; that just as was the case with him on earth so in that next world he meets those who are more excellent, and others who are less so than himself. If we can take this for granted, then, for the sake of the further consideration of his case, how does it affect the problem before us?

Dumping Criminals into the Next World

Remember what this view means. Every day by natural process of bodily death, all kinds of people are going into the next life, and the inhabitants of that world have many of the same difficulties and problems to face which we have now. Consequently the evil-minded, the feeble-minded, the morally diseased, will be the fruitful sources of difficulties there as they are here; and as here, it is the best work that the healthy-minded and morally sound can do to expend their highest powers in solving those difficulties. For their solution means the millionfold increase to the joy of life to all concerned; it is the opening of bright and glorious gateways to the rescuers as well as to the rescued, to the emancipators and the emancipated alike. But the difficulties existing in the next life are certain to be great enough and numerous enough without any unnecessary and unnatural addition to them on our part. We find John Griffiths to be a

dangerous youth, swayed by murderous passion. We consider that it is not safe to ourselves that he should be any longer permitted to mix freely amongst his fellows. More than that, we decide that he is too dangerous a character for this world, and we hurl him violently out of it by killing him, and we think that is the end of it.

Do we know what we have done? Are we sure that we have made an end of him? If he still lives does he not carry with him all his dangerous passions wherever he goes? And if human beings mingle in that life much as they do here, has not our violent and sudden shooting of John Griffiths into their midst added to their difficulties? What right have we to export our criminals in this way, and forcibly dump them upon the shore of that other land? Surely the people of that country have every claim to protest against this transportation of murderers across to them, if they could only make us hear them. They do not need any Botany Bay penal settlements of our refuse forced upon them. We ought to keep our own world as clean as we can, and not do our best to foul the next, even before we get to it. Is not this execution a shirking of our duty, a wretched shifting of our own difficulties upon others who have more than enough of their own? It is at least a shifting of difficulty out of our way without facing it, and that we ought to face and attack and manfully overcome for ourselves.

Are there any Worthless Human Beings?

It is either because society is woefully ignorant, or wretchedly selfish, or that it is guilty of the most pitiable cowardice, that such a thing as this execution of John Griffiths in the twentieth century of so-called Christian civilisation is possible. Time was when

rubbish was reckoned worthless, and the trouble as it accumulated was how to get it out of the way. But long since has that time passed by, so that it is now among the romances of scientific accomplishment and the triumphant achievements of the wonderful ingenuity of man, that the refuse of modern industry and modern life is so utilised, as to be worked up into sources of almost fabulous wealth. The difficulty with this rubbish in past times was that it could not be got rid of ; it could not be transported from this world into another. Here it was, and here it remained, staring humanity in the face until it could be turned to good uses. John Griffiths was evidently considered to be worthless rubbish. Such an estimate of his value stamps modern society with the misfortune of being most densely ignorant. If he could no more have been got out of the way than the waste products of our industries, then society would have been permanently confronted with him, and would have been compelled to inquire whether he too might not be turned to some good use. If the mental ingenuity of man can convert the very sweepings of the streets into great riches, that same ingenuity can, if it will, change human refuse, rejected and outcast men, into sources of moral, intellectual, and spiritual riches, and thus perform the greatest miracle of accomplishment for which organised society and Christian civilisation are evidently intended. It is an exposure of our moral poverty, resulting from false educational ideals, that the State made no attempt to deal with him as anything else than so much worthless refuse. There are no worthless human beings. There are boundless possibilities even in the worst of men, simply dormant and awaiting development.

Barbarism is not Dead

It was also a brutal thing to do, this giving him his quietus with the hangman's rope. It is a survival of ancient barbarism. A brutal condition of society will avenge brutality with brutality. And though laws which express the old vengefulness usually outlast the spirit that enacted them and no longer truly represent in our day the higher sentiment of the times, the murder of John Griffiths was all the more a murder on that account, and all the more offensive and brutal because of the humaner feelings which now exist. It is because the idea of the sacredness of human life has taken hold of us in recent times, that we execrate murder and severely loathe the killing of Catherine Garrity. But if human life should be sacredly guarded in Catherine Garrity, why not equally in John Griffiths? If his execution be mere retaliation and revenge, then the State is a magnified assassin. If it be considered best because it is the easiest way to rid itself of further trouble, it is the most callous selfishness that it is possible to imagine. To fear the danger of letting such men live is despicable cowardice.

Suppose that the causes of this murder of John Griffiths are thoroughly investigated, and the causes of the killing of Catherine Garrity likewise are gone into with equal completeness, it may be found that they are very much the same, and that there is not much to choose in point of moral excellence between the man who was hanged and the State which hanged him. In both there must have been deplorable ignorance for such a crime to have been possible. Selfishness, fear, and revenge no doubt played their part in both. It would seem that the moral tone of the nation remains nearer to that of its lowest members than to that of its best and highest. The

minority of the pure, the refined and elevated characters, powerful as their influence is, do not make the community what they are themselves so long as they are a minority. They are the pioneers of the higher life and a brighter day; but as yet, while the great mass of their fellows lag behind them in the darkness of semi-barbarism, it is the coarseness of this animalism that gives the prevailing national tone, expressed in love of cruel sports, in gluttonous feeding, in riotous drinking, in the raging passions of war fevers, in eager desire to inflict punishment and to satisfy revenge. Doubtless, the leavening influence of the superior man is always working and doing much to break up the old brute notions by the permeation of finer feelings; no good is lost, and no higher effort can be in vain. But the leavening process is slow though invincibly sure, and during this slow process of secret change and inward working which is the evolving of purer and finer social sentiments, the unconverted coarseness and brutishness of the majority make the prevailing sentiments of the nation. The strong emphasis laid upon punishment still marks our so-called civilisation with the character of barbarism; and the predominant habit of retaliation, with the general readiness to seek to revenge injuries, do smack strongly of the manner of wild beasts and of the warfare of the jungle. As yet, the nobler virtues exist too much like a very thin veneer hiding the brute passions beneath. This survival of capital punishment is an indication of it.

The State versus Christianity

Further, the killing of John Griffiths by the State is in utter contradiction of the teachings of Christianity. Jesus denounced the *Lex talionis* or law of revenge. He said that "an eye for an eye, a tooth

for a tooth" was wrong. To pay back blow for blow and the robbing of a life by the taking of another life, was evidently regarded by Him nearly two thousand years ago as a relic of the early brute barbarism of the Hebrew race. He taught that we must not resist evil with evil, that we must love our enemies and do good to those who hate us. None would dispute for a moment that this overcoming of evil with good, represents the Gospel of Christ. Every section of the State agrees that "Love thy neighbour as thyself"; "Love your enemies"; "If thy brother offends—forgive him"—express truly the Christian law of dealing with the criminal. The State pays great homage to Christianity and by profession it is Christian. It says, "Lord, Lord," and by every kind of lip-service makes parade of its own Christian character. But it is not Christian. It has not yet accepted Christianity. It does not believe the Christian doctrines which proceeded from the lips of the Master. If the State is to be judged by its practice rather than by its professions it is un-Christian; it is faithless to Christ and really infidel to His teachings. It refuses to put Christianity into its law concerning wrong-doers. It punishes evil-doers by itself doing the very evil for which it inflicts the punishment. It expresses its own utter scepticism and unbelief of the teachings of Christ by doing the very things He denounced so long ago. In this matter of capital punishment the State is as un-Christian as it might be expected to be had there been no Christ. What stranger visiting this world for the first time, and becoming acquainted with the teachings of Christ, — would readily believe that the State that murdered John had professed any faith in Christ's way for over a thousand years? To anyone not accustomed by long usage to the incompatibilities of our professions and

practices, — this hanging of a criminal would be inexplicable.

The Christian Method with Criminals

But did not Christ say that the hand or foot must be cut off if its existence becomes dangerous to the body? And may we not conclude, therefore, that according to such teaching any member of the community whose continued existence imperils the safety of the whole body politic ought to be cut off? and that the cutting off means to kill? Such queries must be answered by Christ Himself. And He does answer them in His parables of the Lost Sheep, of the Prodigal Son, in His teaching concerning forgiveness and love for enemies. Christ did not teach two opposite and contradictory methods of treatment. No reasonable student of the life and character of Jesus would say that He taught the gospel of love for enemies, and at the same time enjoined that enemies should be killed out of the way, and so cut off from all chance of receiving our love. The supposition of such a thing would be preposterous. Jesus did say that offenders ought to be separated, that the man who refuses to be reconciled shall be treated for the time being as one who is excluded from free intercourse. But He urged that every possible means should be taken to win and persuade that man to cease to be an offender, and that only when every means had been tried in vain, except exclusion from the society of his fellows, should that exclusion be resorted to; then and then only "let him be unto thee as a heathen and a publican," that is—as one who is not one of yourselves. Jesus did not advocate the cutting off a hand or foot while there was hope of it being made a good hand or foot, and there is always reason to hope of the worst human offender that he can be won

over into right relationship with his fellows, and be made into a good man. The analogy intended between the cutting off of a dangerous hand, and the separation of a dangerous person from intercourse with his fellows is only concerning the necessity of separation. The individual must be separated from society when that is necessary for the welfare of society, but unlike the case of the fleshly hand, the human being needs, under such circumstances, to be separated for his own good. If you cannot gain your offending brother any other way, exclude him, that he may be made to feel his loss of society, that he may crave to return to society, that he may learn why this craving does not receive satisfaction, and thus come to himself—to a right state of mind and heart. The cutting off a wrong-doer from society, as taught by Jesus, is for the purpose of making him become fit to return to society. It does not necessarily follow that this exclusion means solitary confinement, but it does mean at least that he is restrained from freely moving about in the community at large. If the wrong-doer is cast out, it is only until he is fit to return. Love for an enemy may require that. Perhaps nothing else will make him think over his own conduct or bring him to his senses. If love for him seeks his welfare, and it can be secured no other way, then love will exclude him,—sorrowfully, regretfully, —but for his own sake as much as for the safety of his fellows. Real unselfish love can be resolutely firm and strict in order to accomplish its purpose, as the laws of God are strict and firm. So even in this—the correction of a murderer—love can find out the way to seek the right mind of the offender for his reformation and for the benefit of society as a whole, as the Good Shepherd seeking after the lost sheep for the good of the flock.

That is what true Christianity would have done with

John Griffiths. It would certainly not have killed him. It would not have strangled the life out of his body. Regarding him for the time being as an enemy of society, it would at once have taken steps to make him its friend, and that by the power and discipline of love. Christ's plan would have been to exclude him from free intercourse with his fellows, just so much as would be necessary for his good and for the general welfare. And in that exclusion this enemy would be worked upon by sympathy, by its firmness as well as its gentleness, by its resolute restraint and discipline as well as by the winning power of kind words and gracious influences. True regard for the young man's welfare would seek out ways and reach his heart. It would seek the divine nature within him, lost in the hidden deeps of the soul, and keep on seeking until those depths were fathomed and the lost divinity found. The young man would be put to healthy work, his mind awakened with interest in good things by wise instruction, and so in all possible ways educate his higher nature.

One supreme thing to be in suchwise accomplished would be to teach this young murderer to make the noblest reparation possible in return for the life he had taken away, viz. that he should develop his powers to the grandest uses, his character for the sublimest ends, and give himself for society in honourable service for humanity. This ideal or its equal would be the aim of such treatment, and it would be infinitely better than putting him to death—better for society and for him. Barbarism says in revenge : Take his life. Christianity says in love : No, do not kill ! do not take life away ! but quicken it into a new birth of righteousness, that life may increase into greater abundance ; give, and it shall be given back to you in full measure to overflowing ; thy brother may take something from you, but you must not do

the same to him ; it is for you to show him the better way,—and give unto him. Do good to those who hate ! Love your enemy !

Convert the State to Christianity

The teachings of Christianity and the practice of the State concerning the treatment of wrong-doers are totally opposite and contradictory to each other. The State is un-Christian, and requires yet to be converted to Christianity. Until that is done we are all collectively guilty of the crime of murder in every execution of a human being by capital punishment. When the State is really converted to Christian principles it will act upon them. To secure this conversion should be the aim and duty of every Christian. If so-called Christians were half in earnest to educate public opinion everywhere in Christian principle, then the State would soon be Christianised. As it is, the State has most sinfully murdered John Griffiths and many others, and the burden of the guilt belongs to us all. It is upon the Churches, in which such emphasis is placed upon the value of every human soul. Their power is very great when it is made effective use of. Every Sunday they are educating public opinion upon many things,—why not also in this ? It should be the special work of the Churches to bring about this change. They should be the leaders of public opinion and not lag behind as its followers. If they need converting to the principles taught by their own Leader, the ministers who preach the Word require much searching of heart in this matter as to whether they are doing their duty. It rests largely with them and the chief burden of the responsibility is theirs.

What is Civilisation for?

What is this world for? It is for man, for the highest possible development of intelligent life. What is all civilisation for? Is it for getting money? No; it is all for the making of men, for the making of you and me, and for the making of John Griffiths into the man he should be. All knowledge, all discoveries, all inventions, all accomplishments,—why are they? They are just for you, for all of us, for all mankind to make life richer and more complete, to enable all men to fulfil themselves, and therefore to make it more possible to shape into perfection the faculties and character of John Griffiths. But the State is infidel, and it murders him. This is a loss to all mankind, and Christ identifies Himself not with the State, but with the welfare of John Griffiths, for He says to the State, "Inasmuch as ye have done it to the least of these my brethren, ye have done it unto me," and thus in the hanging of John Griffiths and in all such crimes is Christ crucified over again.

PART III.—CONCERNING PUNISHMENT

THE foregoing essay leaves something to be said on the subject of "Punishment," which may be of advantage to the reader of these words. The idea of punishment in its ordinary and accepted meaning is alien to the teaching and the spirit of Jesus, and is un-Christian. It is usually understood as revengeful or vindictive. The offender has done wrong,—"Pay him out for it,"—that is the common idea, as it is also evidently the legal conception expressed in the law courts.

The word is ambiguous. It also means "Correction." Yet correction is one thing and punishment, in its usual sense, is quite another. To pay back the wrong-doer by doing wrong to him may be punishment, but it is not correction. If a man strike you a blow and you hit him back, it generally means that he will follow it up immediately with another blow. Even if the striking back disables him for the time being, he is not corrected, for he only continues to feel the hurt and to harbour ill-will, and probably waits his opportunity to be quits. We have not yet got away from the old barbarous practice of retaliation. The impulse to revenge still dominates the world of humanity. But it is a brute inheritance which has to become outgrown.

Correction is the mending of that which is wrong, the remedy of a defect. Revenge adds wrong to wrong and is no remedy at all. To overcome evil

with good is a far grander notion. To seek the welfare of the offender is the nobler motive. There is great gain in so doing, for that is the sure way of weaning him from his offensiveness. We pay the enemy of society out, as we think, on the principle of blow for blow, and make him more an enemy than ever; and so long as he remains in that attitude the sense of insecurity from his animus is a serious source of loss and waste to the community, and his lack of goodwill towards others is the cause of much greater deprivation to him than he knows. There is as much shortsightedness in society concerning him as there is in him as regards society.

The use of the word "punishment" in connection with the treatment of criminals is unfortunate. It blinds us against the right course so that we cannot see justice. The mind is poisoned by it. The conduct of society is misdirected and wrongly inspired in consequence. The result is, useless expenditure and utter failure and ineffectiveness. In case of the offence of murder and the assassination of the murderer, the punishment inflicts more suffering on those who have an intimate personal interest in the criminal or his victim, than upon the criminal himself. To get rid of such a dangerous person in this way rather than to consider any worthier expedient is a deceptive makeshift to say the least. The loss to society has already been referred to, and the loss inflicted upon the criminal is deemed quite unworthy of consideration.

But some one may say that there is the highest authority for the use of the idea of punishment. Is it not in the Christian Scriptures? Do we not find it in the teaching of Jesus Himself? Surely He gives countenance and approval to it by use of the phrase "everlasting punishment" in Matt. xxv. 46? If so, how can the idea be said to be un-Christian? Such queries can easily be answered. Jesus did not approve

the idea of punishing. He did not make use of the phrase "everlasting punishment." It is an inaccurate translation of the words He used, and utterly misrepresents the spirit of His teaching. The English Authorised Version has been somewhat corrected in the Revised Version to read "eternal" punishment, which still fails to give what Jesus really said. Jesus spoke in the Aramaic dialect of the Syrian tongue, which is translated into Greek, and it is from the Greek that our English version is made. In the turning of the Master's original expression twice over, into words of two other different languages, it is not surprising that in the double transition the meaning intended by Him should have failed to secure its true corresponding equivalents. That this is so the Greek clearly testifies. The word "punishment" is given as the translation of the Greek "kolasis," which means strictly a *pruning*. But to prune a tree is for the purpose of remedying a defect, to correct a fault. Consequently it is evident that Jesus used words in His Aramaic speech which meant *remedial* treatment. Yet if His words were rendered "eternal correction" they would not convey to us what He said, for "eternal" is very indefinite in its meaning. It is a translation of the Greek *aionios*, an adjective the force of which is modified by the nature of the noun which it qualifies. "Eternal life" is everlasting life, because "life" never ends, but eternal correction cannot be everlasting, for the correction ends when the defect is remedied. So while it is true that in certain connections *aionios* means everlasting or endless, it is equally true that in others it means *time-lasting* or *temporary*, and consequently the rendering of the phrase translated into "eternal punishment" would be more accurate as *temporary correction*, for those words really convey to us what Jesus actually said. Such being the case

there is no warrant for the assertion that Jesus taught *punishment* at all, except in the sense of remedial correction.

What society needs in its attitude towards crime is to change its view-point away from administering punishment to that of remedial correction. So long ago as Sir Thomas More in his *Utopia*, the humaner doctrine was asserted by an English politician, where he stated that the three objects of the treatment of a criminal should be: the prevention of further mischief, the making of amends for the harm already done, and *the saving of the man*. Here was the true spirit of Christianity. The three objects just defined make no mention of the idea of punishment, they are concerned only with remedial and reformatory measures.

How can such objects be attained in dealing with the criminal convicted of murder? The prevention of further mischief, of any more murder by him, is effected certainly for this world by the execution of the sentence of death. But as we have seen, there are other and better ways of prevention, including detention in prison, where he could be set to some useful work and earn his own living, after certain measures of wholesome moral discipline had produced in him a spirit of confidence in the friendly intentions of his guardians, and proofs in him of a dependable disposition of settled goodwill. So far as he could make amends for the harm done by his crime, he should be given full opportunity for in such ways as would be possible. But the great aim should be the saving of the man. One life lost to the world by murder does not justify the loss of another, even though that other be the murderer. His correction under moral discipline within prison bounds might bring the enormity of his crime home to him. To let him live, gives the only chance of his making any

amends to society. If society be alive to its own interests it will adopt measures to make a man of him in the best sense, and to turn his powers and abilities to its advantage and truest profit.

Concerning criminals in general, Sir Thomas More said of society: "You suffer them to grow up infected, and then, in God's name, you punish them." We recognise the danger of infectious disease, and that society is responsible for permitting the existence of filthy conditions that make the disease. At last society has admitted that responsibility, and by public sanitation it endeavours to prevent such conditions, and will prevent them more completely when it abolishes slums and overcrowding, and uproots the causes of poverty and destitution. Why do we not equally recognise social responsibility for the conditions which generate *moral* disease, and which therefore produce uncontrolled lust and greed, the sources of crime? We suffer children to grow up in an environment in which they are infected with criminal instincts, and with unbridled passion by which they are made into thieves and murderers. Then having allowed this making of them into such, we punish them for that for the happening of which we are in fault as well as the offenders whom we punish. Sir Thomas More had a clear insight into sociology in his day. We are far behind him yet, and we go on punishing instead of attacking social evils at their source. Moral disorders have to be treated as diseases which can be remedied. The irruption of the criminal indicates the existence of bad moral conditions, and is a sign of social neglect quite as much as is the existence of a bad drain. It is a condemnation of the community, as much as the failure of any business may be a proof of loose management.

Cruelty and punishment have failed to break the will of evil-doers. Cruelty breeds more cruelty. The

awful punishments meted out to criminals in the past did not diminish crime. "Death by strangulation, by poison, by flaying, by fire, by dismemberment, and by boiling in oil, have all been tried as deterrents, and have not deterred. Torture on the wheel, on the rack, by crushing weights, by thumbscrews; and ridicule in the pillory, the stocks, the ducking-stool; the branding of cheeks, forehead, and breast; clipping off of ears, slitting of noses, and whippings innumerable have had a trial for centuries, and the misdeeds—real or supposed—that they were designed to correct have continued." As late as 1797 there were in England 222 offences besides murder for which hanging was a possible punishment. Then a man might be hanged for picking a pocket of more than a shilling. In Parliament an attempt was made in vain in 1818 to abolish hanging for stealing a sum of over four shillings from a shop. In 1833 a child was condemned to be hanged for poking a hole with a stick through a paper window-pane, and stealing twopence-halfpenny worth of paint, but the child was not hanged.

There has been much progress certainly since then as regards punishment. In 1861 hanging was abolished, except for murder, treason, and certain other national crimes. Sir James Stephen tells of the "good old times," in his *History of Criminal Law*, when the population of England was under 5 millions and the average number hung every year upon the scaffold was 800. When this country had a population of 15 millions, its convicts at home, on the seas, and in penal settlements, numbered 50,000. Now that the population is over 45 millions, the convicts amount to between 3000 and 3500, or 1 convict now to 50 then.

There is considerable improvement, but there is much room for more still. The humanitarian view

has spread and is spreading. The vindictive spirit is weakening its hold and its sway is declining. As enlightenment increases, there is more faith that evil must be overcome with good, and that " punishment " is unworthy of society that calls itself Christian. The great Teacher said : " Love your enemies ! do good to them that hate you, bless them that curse you, pray for them that despitefully use you ! ' We have to rise up to that.

January 1923.

APPENDIX

THE following is a report of a meeting held in the Houldsworth Hall, Manchester, 25th January 1923, to promote the abolition of capital punishment, published in the *Manchester Guardian*, 26th January. It gives the opinions of Dr Temple, Bishop of Manchester; Rev. Canon Dorrity; Rev. Canon Peter Green; Lady Barlow, and others:—

A resolution which expressed the view that the time is ripe for the abolition of capital punishment was passed at a meeting in Manchester yesterday. The Rev. Canon Dorrity, who presided, read a letter from the BISHOP OF MANCHESTER, in the course of which Dr Temple said: "I cannot agree with those who hold that the State has no right in any circumstances to sentence to death one of its citizens, but on the other hand, it is clear that this right, which I believe exists, ought only to be exercised in the most extreme possible cases. If, for example, there is an outbreak of murder on such a scale as to create a general sense of insecurity of life, I think it would become legitimate as an emergency measure. But the decision to transfer a living soul from this world to another involves such fearful responsibility that any human authority is guilty of grave presumption if it reaches this decision without great searching of heart.

"If, then," Dr Temple proceeded, "this right is one to be exercised with so extreme a caution we have to consider very carefully the grounds stated in

defence of its exercise in the case of murder in civilisation as we know it to-day. It is probably true, I think, that to most criminals capital punishment, because of its definiteness, is slightly more effective as a deterrent in the moment of temptation than any other form of penalty. On the other hand, it invests murder with a certain fictitious glamour, and I believe its effect as a deterrent in the moment of temptation is more than counterbalanced by the more subtle influence of this glamour for unbalanced minds working as a pervasive suggestion. I know this sort of thing sounds tall talk, and if I could express it more crisply I would, but I am sure that the considerations which I am stating are important. Further, I think Bentham was certainly right in his great contention that callousness in the State produces callousness in the citizens, and so another influence is set going by the existence of capital punishment tending to undermine belief in the sanctity of life which that penalty exists to safeguard. It is, of course, possible that abolition would for the moment produce a few extra murders, because it would create a general impression that the penalty was relaxed, but this would not last long, and I believe that abolition would be found to result in fewer murders in the long run.

" But besides this," the Bishop went on, " there is the effect on the community at large, and the capital penalty does harm, I believe, by undermining, as I think, the general respect for the sanctity of life (for the State which kills is giving the sanctity of the State to killing), and also by creating a peculiarly vicious sort of sympathy with criminals. The fact that this is silly and only shows itself in rather silly people is only the greater reason why we should secure a legal system which will not give them a dangerous stimulus to this kind of silliness. I am sure the moral standards

are corrupted by anything which artificially obtains sympathy for those who chiefly merit condemnation. To all this I would only add, for fear of any misinterpretation, that so long as death is the legal penalty of murder I think it should be inflicted on those who are found guilty of murder. Nothing does so much harm as to prescribe a severe penalty and then in practice inflict a lighter one."

The Rev. Canon DORRITY said he had appealed to two bishops to help in the propaganda against capital punishment, and was met by one with the remark "Let the murderers begin." That was not very helpful. He had also approached three prominent Manchester laymen, two of them Conservatives and the other a Liberal, with the request that they should speak at that meeting, and all three had replied that they had no considered opinion on the subject. He hesitated to say what he thought of such a reply from three of the most prominent and intelligent public men in Manchester. There was no intelligent man or woman in Manchester but who, at this day, should have a considered opinion on the question.

Canon Dorrity went on to say that ten or twelve years ago he was appointed president of the local branch of the Society for the Abolition of Capital Punishment, but not much progress was made with the propaganda. Then the war came, and created a very unhappy atmosphere in which to consider the question. The war, however, was over, and he thought something should be done to establish a live branch of the Society in Manchester. For himself, he thought that capital punishment was pre-Christian, un-Christian, and anti-Christian.

Lady BARLOW, in moving the resolution, said that murder was the only crime which was punished by a repetition of the crime itself. Her concern was a personal one. She had felt for years that the depriving

of a human being of life in that way was wrong, but one morning lately she was very keenly aware that a young woman, and a still younger man, were going to have their necks broken for the punishment of a crime. All that morning she was so uneasy, so unhappy in spirit, that the only comfort she could get was in prayer, and she felt all the time a sense of individual responsibility for what was taking place. " I was one of a community," she observed, " which was allowing this thing to happen. I wrote to Canon Dorrity to see what could be done about it, and so it has come about that I am addressing this meeting." She felt that the time for capital punishment had long gone by, and that we should resolve to stop this evil thing which was being done in our name.

The Rev. Canon PETER GREEN said that if, as he held, a man had a right to take life in self-protection, we could not deny the same right to society. His position on the question was a very low one—it was one of expediency. He had long been convinced that capital punishment fed the ill it was supposed to cure. He believed the whole atmosphere produced by capital punishment was a wrong one. If he thought that the State could totally abolish murder by hanging a certain number of murderers he would not oppose that action ; but his belief was that murder made murder. He thought capital punishment was futile and silly, and arguments about countries which had abolished capital punishment having to go back to it did not alter his opinion. If in any country the abolition of the death penalty was followed by an increase of murder that would be a grave reflection on the condition of society in that country. They could not, however, teach the sanctity of human life by taking human life. He thought the time was ripe for that forward movement, and that if a lead were given in Manchester and elsewhere they would find

that there was an immense volume of unexpressed opinion calling for the abolition of the death penalty.

"As long as it is the penalty," said Canon Green, in conclusion, "I shall never sign a petition in an individual case, because I think it adds to the whole atmosphere of morbid and unhealthy sentiment which makes murder more romantic."

Mr T. W. Mercer and others supported the resolution. The only speaker against it, Mr Macready, said he had come to the meeting with an open mind, but he had heard nothing to justify the abolition of capital punishment. One of the speakers, in a sentimental speech, had simply been begging the question. How about the victim of the murder? (A voice: "He is not helped by hanging the murderer.") They would have to ask themselves whether, if they abolished the death penalty, they would not have an increase of murder.

The resolution was carried with only two dissentients in a fairly large gathering.

EDITORIAL LEADER

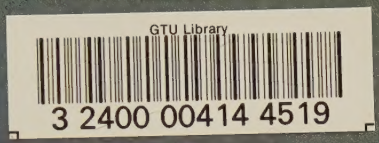
in the *Manchester Guardian*, 26th January 1923, concerning the Meeting

The Death Penalty

In the letter which was read at yesterday's meeting in the Houldsworth Hall, the Bishop of Manchester gives in a very short space an extraordinarily lucid survey of the case for altering the law in order to do away with the death penalty. We could wish that more people would sit down soberly to consider that case in its broadest aspects, and that fewer people would take an interest in the subject only when some particularly notorious murder is being discussed from

many various angles, including every imaginable wrong one. It is not a question whether this or that individual murderer should be saved from the scaffold by a press campaign for a reprieve, or a general feeling that there was more in the case than the strict letter of the law could take into account. It would be more demoralising, and might in the long run be disastrous for society, to trust to a system of that kind; its real tendency is to give the notable murderer an extra chance for his life, while the squalid and obscure are sent to death from every long assize calendar without a murmur from the press or public. The real question to be considered is whether the right of the State to inflict the death penalty—the Bishop admits the theoretical right—is one which can be expediently exercised. It is a case for calculating the balance of advantages and disadvantages. Now it is a fact that the one alleged advantage of the death penalty—supreme efficacy as a general deterrent, for we have ceased to believe that the State has the right to inflict what would be simply official vengeance—is at least very debatable. If it does deter anyone from the dreadful crime of murder, it is quite arguable that it does not do so any more thoroughly than would a sentence of imprisonment for life. On the other hand, even those who do not want to see the present law altered must admit that every one of the disadvantages of capital punishment which are so clearly set forth in the Bishop's letter carries some indisputable degree of weight. The greatest objection of all at the present moment is probably the fact that the grim details of that final settlement do surround the criminal with an unholy interest, if not a glamour, which is so inexpedient that it deserves to be described as wholly evil. Assisted by some unscrupulous sections of the press our deterrent is in danger of becoming a debauch.

PRINTED IN GREAT BRITAIN BY NEILL AND CO., LTD., EDINBURGH.



DATE DUE